



October 19, 2021

VIA E-FILING

The Honorable Colm F. Connolly
J. Caleb Boggs Federal Building
844 N. King Street
Room 4124; Unit 31
Wilmington, DE 19801-3555

Re: CareDx, Inc., v. Natera, Inc., C.A. No. 19-cv-662-CFC-CJB

Dear Chief Judge Connolly,

We write to identify an issue Plaintiff would like to raise, subject to the Court's permission, during the October 20, 2021 Pretrial Conference. This case is currently second in line for trial the week of October 25, 2021. In the event the first in line trial proceeds on October 25, and it appears it will, Plaintiff would like to explore during the Pretrial Conference if it possible for a magistrate judge, visiting judge, or circuit judge to preside over this false advertising trial whether on the currently scheduled date or in the near future assuming the Court does not have time on its calendar.

We thought it was prudent to preview this issue rather than raise it on the fly during the conference. We, of course, prefer to go to trial before Your Honor on October 25; however, we are hoping for a contingency plan given the current doubt about that. Our desire to go to trial now is not motivated merely by a general desire to get to trial fast. Here, in this Lanham Act case, we have the added component of on-going real world harm from continued false advertising and loss of market share while this case awaits trial.

We are available at the Court's convenience should Your Honor have any questions.

Respectfully submitted,

/s/ Brian E. Farnan

Brian E. Farnan

cc: Counsel of Record (via E-File)